

## **IC 12-24-13**

### **Chapter 13. Liability for Cost of Treatment of Patients in State Institutions**

#### **IC 12-24-13-1**

##### **Accounting and bookkeeping system**

Sec. 1. Each division shall develop and implement an accounting and bookkeeping system for each state institution so that the cost of all institutional services provided to a patient can be determined.

*As added by P.L.2-1992, SEC.18.*

#### **IC 12-24-13-2**

##### **Limitation on charges**

Sec. 2. A patient, patient's parents, patient's legal guardians, or patient's other responsible relatives may be charged only for services and treatment provided.

*As added by P.L.2-1992, SEC.18.*

#### **IC 12-24-13-3**

##### **Per capita cost of treatment and maintenance at each state institution; computation for fiscal year**

Sec. 3. (a) Before July 1 of each year, the director of each division shall compute the per capita cost of treatment and maintenance at each state institution under the division.

(b) The per capita cost of treatment and maintenance at each state institution for each fiscal year shall be based upon the budget of the state institution, plus the expenses of personal services and reasonable depreciation on buildings and equipment, as established by the general assembly or the division for the corresponding fiscal year.

*As added by P.L.2-1992, SEC.18.*

#### **IC 12-24-13-4**

##### **Payment for the ensuing fiscal year; limitation**

Sec. 4. (a) Each patient in a state institution and the responsible parties of the patient, individually or collectively, shall pay for the ensuing fiscal year an amount not to exceed the per capita cost at that state institution.

(b) Except as provided in section 5 of this chapter, each patient in a state institution and the responsible parties, individually or collectively, are liable for the payment of the cost of treatment and maintenance of the patient.

*As added by P.L.2-1992, SEC.18.*

#### **IC 12-24-13-5**

##### **Placement of child with disability in state institution for special education**

Sec. 5. (a) Whenever placement of a child with a disability (as defined in IC 20-1-6-1) in a state institution is necessary for the provision of special education for that child, the cost of the child's

education program, nonmedical care, and room and board shall be paid by the division rather than by the child's parents, guardian, or other responsible party.

(b) The child's parents, guardian, or other responsible party shall pay the cost of any transportation not required by the child's individualized education program (as defined in IC 20-1-6-1). The school corporation in which the child has legal settlement (as determined by IC 20-8.1-6.1-1) shall pay the cost of transportation required by the student's individualized education program under IC 20-1-6-18.2. However, this section does not relieve an insurer or other third party from an otherwise valid obligation to provide or pay for the services provided to the child.

(c) The Indiana state board of education and the divisions shall jointly establish a procedure and standards for determining when placement in a state institution is necessary for the provision of special education for a child.

*As added by P.L.2-1992, SEC.18. Amended by P.L.23-1993, SEC.56.*

#### **IC 12-24-13-6**

##### **Children under custody or supervision of division or county office**

Sec. 6. The division of family and children or a county office is responsible for the cost of treatment or maintenance of a child under the division's or county office's custody or supervision who is placed in a state institution only if the cost is reimbursable under the state Medicaid program under IC 12-15.

*As added by P.L.2-1992, SEC.18. Amended by P.L.4-1993, SEC.201; P.L.5-1993, SEC.214.*

#### **IC 12-24-13-7**

##### **Insurance coverage; assignment of benefits**

Sec. 7. If a patient in a state institution has insurance coverage that covers hospitalization or medical services in psychiatric hospitals, all benefits under the insurance coverage, in an amount not to exceed the cost of treatment and maintenance of the patient, shall be assigned to the appropriate division.

*As added by P.L.2-1992, SEC.18.*

#### **IC 12-24-13-8**

##### **Day or night care services; one-half day patients**

Sec. 8. (a) A charge shall be assessed for day or night care services provided by a state institution in an amount not to exceed one-half (1/2) of the per capita cost for care at that state institution as computed under this chapter.

(b) For the purposes of the fiscal year computation of the per capita cost of care and maintenance, a day or night care patient shall be counted as a one-half (1/2) day patient.

*As added by P.L.2-1992, SEC.18.*

#### **IC 12-24-13-9**

##### **Outpatient services**

Sec. 9. Outpatient services provided by a state institution must be based upon the average per capita cost of each service or program at the state institution.

*As added by P.L.2-1992, SEC.18.*

#### **IC 12-24-13-10**

##### **Statements of sums due as maintenance charges; issuance; payment period**

Sec. 10. The appropriate division shall issue to any party liable under this chapter for any type of psychiatric service statements of sums due as maintenance charges. The division shall require the liable party to pay monthly, quarterly, or otherwise as may be arranged an amount not exceeding the maximum cost as determined under this chapter.

*As added by P.L.2-1992, SEC.18.*

#### **IC 12-24-13-11**

##### **Estate of patient**

Sec. 11. The estate of a patient who receives care, treatment, maintenance, or any other service furnished by the division at the state's expense is liable for payment of the cost of the service. The estate is exempt from the requirements of section 10 of this chapter or any part of this chapter directly in conflict with the intent of the chapter to hold a patient's estate liable for payment.

*As added by P.L.2-1992, SEC.18.*